IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CM No. 142-C, 143-C of 2006 and
RSA No. 52 of 2006 (O&M)

DATE OF DECISION: 25 .5.2007

Ram Kishan Nirmal and others **...Appellants**

VERSUS

Jai Bhagwan Nirmal **...Respondent**

CORAM

HON'BLE MR.JUSTICE PERMOD KOHLI

PRESENT: Mr.Vikas Sharma,, Advocate for the appellants

Mr.C.B.Goel, Advocate for the respondent

Permod Kohli,J. (Oral)

CM No.142-C, 143-C & RSA No.52 of 2006

Through CM No.142-C/2006, the appellant seek condonation of delay of 891 days in re-filing the appeal. Though no objections have been filed to this application, I have considered the averments made in the application. The only ground raised in the application is that after the file was received to remove the objections raised by the Registry, the same was mixed up with the decided files of the office of the counsel for the appellants. It was during the days of Diwali of 2005 that one appellant made enquiries about the progress of the matter and then the file was

searched out. It is stated that the file was lost during the white wash in the house of the counsel for the appellants. No details of the time and period when the white wash was done and the file got mixed up with other files, have been indicated in the application. Even the detail regarding the date as to when the file was searched out and as to how it was searched out, is not given. The application is totally vague and does not inspire any confidence. I decline to accept the explanation tendered in the application. The limitation for re-filing is only 40 days. Such a long delay of 891 days cannot be condoned without sufficient cause and explanation being tendered.

In view of the above, CM No.142-C/2006 deserves dismissal which is accordingly dismissed.

There is also delay of 14 days in filing the appeal. This application is also dismissed and consequently the appeal is also dismissed.

(PERMOD KOHLI)
JUDGE

25 .5.2007
MFK

NOTE: Whether to be referred to the Reporter or not:YES/NO